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JOHN W L OGILVIE COMPUTER LAW 1211 EAST YALE AVE SALT LAKE CITY, UT 84105			FLYNN, KIMBERLY D	
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		2153		16
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/521,152	HAMILTON ET AL.
	Examiner Kimberly D Flynn	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-88 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-88 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. This action is in response to a Response filed October 1, 2003. Claims 1-88 are presented for further consideration.

In response to the objection of the embedded hyperlinks, the suggested approach is acceptable.

Claim Rejection – 35 U.S.C. 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable by Agraaharam et al. (5,987,508 hereinafter Agraaharam), and in further view of Low et al. (6,466,570 hereinafter Low).

In considering claim 82, Agraaharam discloses a signal embodied in computer system, comprising an email message which contains a telecommunications number as an email address in place of at least an alphanumeric user name (see col. 3, lines 10-23).

Although Agraaharam shows substantial features of the claimed invention, he fails to disclose a telecommunications number being used in place of at least a conventional domain name. However, Low, whose invention is a method of accessing service resource items that are for use in a telecommunications system, discloses such a telecommunications number being used in place of at least a conventional domain name (see col. 17, lines 55-60). Therefore, given the

teachings of Low, it would have been obvious for a person having ordinary skills in the art to modify AgraHaram by using a telecommunications number as an email address in place of at least an alphanumeric domain name in order to simplify the alphanumeric-to-numeric conversion of the domain name being performed by the DNS (domain name server).

4. Claim 88 is rejected under 35 U.S.C. 103(a) as being unpatentable over AgraHaram and further in view of Nicholls et al. (6,363,414 hereinafter Nicholls).

In considering claim 88, AgraHaram discloses a signal embodied in computerized telecommunications system, comprising a database, which creates correspondences between telecommunications numbers and email addresses (see Fig. 2).

Although AgraHaram shows substantial features of the claimed invention, he fails to disclose each telecommunications number also allowing at least one of voice, fax, wireless, and pager communications independently of any email messaging system. However, Nicholls, whose invention is a method for converting an email message to a different format and retransmitting to a location other than recipient address information in the email address, discloses such an allowance of voice, fax, wireless, and pager communications independently of any email messaging system (see Fig. 1, Messaging Server 12; Fig. 3, Steps 300, 306, 308, and 310). Therefore, given the teachings of Nicholls, it would have been obvious for a person having ordinary skills in the art to modify AgraHaram by allowing at least one of voice, fax, wireless, and pager communications independently of any email messaging system in order to provide the option for sending messages to more than one type of device having to rely on only an email being sent.

5. Claims 1-81 and 83-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agraharam and Low et al. as applied to claim 82, and further in view of Nicholls

In considering claims 1, 14, 15, 45, and 78, Agraharam discloses a method, system, and configured computer program product for routing a message, comprising the steps of:

an email receiver for receiving an email message, which includes at least a destination address and may include message content, the destination address including a telecommunications number in place of at least a conventional user name (see col. 3, lines 10-23);

an address matcher for attempting to obtain a delivery addressing index (actual e-mail address) which corresponds to the telecommunications number in the destination address (see col. 3, lines 24-41, lines 59-66; Fig. 1, Translation Server 110); and
if message content is present and a delivery addressing index is obtained, advancing the email message content for delivery using the delivery addressing index (see col. 3, lines 59-66).

Additionally, Low et al. discloses a telecommunications number being used in place of at least a conventional domain name, in which the domain name is entirely non-alphabetic (see col. 17, lines 55-60).

Although Agraharam and Low et al. show substantial features of the claimed invention, they fail to disclose selecting at least one delivery mode. However, Nicholls discloses such a selection of at least one delivery mode via a mode selector (messaging task enablement) (see col. 4, lines 32-37, lines 41-46). Therefore, given the teachings of Nicholls, it would have been obvious for a person having ordinary skills in the art to

modify Agraharam and Low et al. by selecting at least one delivery mode in order to provide the option for sending messages to more than one type of device.

Additionally, Nicholls discloses advancing the email message content for delivery using at least one selected delivery mode if message content is present (see Fig. 2a, Block 234; Fig. 3, Block 302; Fig. 4, Block 404; Fig. 5, Block 504; Fig. 6, Block 604).

In considering claims 2 and 79, Agraharam discloses a method and configured storage medium wherein the addressing index includes an email address (see col. 3, lines 24-41, lines 59-66).

In considering claims 4 and 46, Nicholls discloses a method and system wherein the step of selecting a delivery mode is performed at the direction of a message sender (see col. 4, lines 32-34).

In considering claim 7, Agraharam discloses a method wherein the number is obtained through directory assistance (see Fig. 3, Steps 304, 309, 310, 311, 312, 313).

In considering claim 16, Nicholls discloses a method wherein the receiving step receives an email message whose destination telecommunications number is a pre-existing voice line number identifying a telephone number which can also be used for live voice communications (see col. 3, lines 66-67 and col. 4, lines 1-8; Fig. 1, Telephony Sub-System 22; Fig. 7; Fig. 6).

In considering claim 17, Nicholls discloses a method wherein the receiving step receives an email message whose destination telecommunications number is a pre-existing voice line number identifying a telephone number which can also be used for voicemail communications (see col. 3, lines 66-67 and col. 4, lines 1-8; Fig. 1, Telephony Sub-System 22; Fig. 7; Fig. 6).

In considering claim 18, Nicholls discloses a method wherein the receiving step receives an email message whose destination telecommunications number is a pre-existing fax line number identifying a fax number which can also be used for fax-to-fax communications (see col. 3, lines 40-50; Fig. 1, Facsimile sub-system 18; Fig. 7; Fig. 4).

In considering claim 19, Nicholls discloses a method wherein the receiving step receives an email message whose destination telecommunications number is a pre-existing internet connection line number identifying a internet connection number which can also be used for internet access (see col. 4, lines 12-21; Fig. 1; E-Mail Subsystem 24; Fig. 7) [note: in order to send e-mails to the messaging server 12 in Fig. 1; internet access must be established for accepting the e-mail, which must be identified by its destination in order to be received].

In considering claim 23, Joy et al. discloses a method wherein the receiving step receives an email message whose message content is formatted according to Multipurpose Internet Mail Extensions format (see col. 8, lines 47-60).

In considering claim 25, Agraharam discloses a method wherein the attempting step attempts to obtain a delivery email address that includes attribute-value pairs (employee-workplace) (see Fig. 1, “steveg+attmail.com”).

In considering claims 27 and 80, Agraharam discloses a method and configured storage medium wherein the attempting step uses the telecommunications number as an index into a database of public keys to obtain a public key corresponding to the telecommunications number (see Fig. 1, Database 117; col. 3, lines 40-46).

In considering claims 30 and 81, Agraharam discloses a method and configured storage medium wherein the attempting step attempts to obtain a delivery addressing index using a

database maintained on an email gateway (Fig. 1, Translation Server 110) which separates a network (Fig. 1, POTS Network 109) from the Internet, and the email message was composed on a machine (Fig. 1, Client Machine 101) in the network (see Fig. 1, Database 117; col. 3, lines 40-46).

In considering claim 31, Nicholls discloses a method wherein the selecting step selects voice delivery as a delivery mode (see col. 3, lines 66-67 and col. 4, lines 1-8; Fig. 1, Telephony Sub-System 22).

In considering claim 32, Low et al. discloses a method wherein the advancing step uses a wireless communications link (see col. 33, lines 49-51).

In considering claim 33, Nicholls discloses a method wherein the attempting step succeeds in obtaining a delivery email address as the addressing index and the selecting step selects email text delivery as a delivery mode (see col. 4, lines 12-21; Fig. 1; E-Mail Subsystem 24; Fig. 7).

In considering claims 34 and 67, Nicholls discloses a method and system wherein the selecting step also selects voice delivery as a delivery mode and the advancing step comprises synthesizing speech from text in the email message content and then delivering the synthesized speech to a recipient at the telecommunications number (see col. 3, lines 66-67 and col. 4, lines 1-8; Fig. 1, Telephony Sub-System 22).

In considering claims 37 and 70, Nicholls discloses a method wherein the selecting step also selects fax delivery as a delivery mode and the advancing step comprises generating a fax containing the email message content and then delivering the fax to a fax machine at the telecommunications number (see col. 3, lines 40-48; Fig. 1, Facsimile Subsystem 18).

In considering claim 38, Nicholls discloses a method wherein the attempting step fails to obtain an email address, the selecting step selects voice delivery as a delivery mode, and the advancing step comprises synthesizing speech from text in the email message content and then delivering the synthesized speech to a recipient at the telecommunications number (see Fig. 3, Box 300 “No”, Box 310; col. 3, lines 66-67 and col. 4, lines 1-8; Fig. 1, Telephony Sub-System 22) [note: failing to obtain an email address is the same as determining that the e-mail is not to be forwarded to another e-mail address, as in Box 300].

In considering claim 41, Nicholls discloses a method wherein the attempting step fails to obtain a delivery email address, the selecting step selects fax delivery as a delivery mode, and the advancing step comprises generating a fax containing the email message content and then delivering the fax to a fax machine recipient at the telecommunications number (see Fig. 3, Box 300 “No”, Box 306; col. 3, lines 40-48; Fig. 1, Facsimile Subsystem 18).

In considering claim 44, Nicholls discloses a method wherein the telecommunications number identifies a pager, and the advancing step comprises delivering the email message content to the pager (see Fig. 1, Pager Subsystem 20; col. 3, lines 57-61).

In considering claim 48, Nicholls discloses a system wherein the mode selector selects a mode in response to at least one rule previously specified by the message sender (form of delivery) (see Fig. 7, Priority Messaging Parameters 702).

In considering claim 49, Agraharam discloses a system further comprising a telecommunications number detector that determines whether the email destination address contains a telecommunications number, and an email diverter (see Fig. 1, Translation Server 110).

In considering claim 50, Agraharam discloses a system wherein the email diverter diverts the email to a predefined location (the sender of the e-mail) (see col. 4, lines 28-34).

In considering claim 51, Agraharam discloses a system wherein the email diverter diverts the email to a location identified by modifying the delivery destination address (see col. 4, lines 28-34) [note: the delivery destination address has been modified by being entirely replaced with the sender's address to send back].

In considering claim 54, Agraharam discloses a system wherein the address matcher comprises a database, which places telecommunications numbers in correspondence with delivery email addresses (see Fig. 1, Database 117; col. 3, lines 40-46).

In considering claim 62, Nicholls discloses a system wherein the mode selector recognizes configuration flags (fax, pager, telephone, PC) (see Fig. 1; col. 4, lines 41-56).

In considering claims 63, 64, and 65, Nicholls discloses a system wherein the configuration flags specify for at least one destination that voice delivery should be used only if no delivery email address is obtained, that voice delivery should be used even if a delivery email address is obtained, and that email delivery, voice delivery, pager delivery, and fax delivery should each be attempted (see Fig. 2a, Steps 210, 218, 226, and 232) [note: the sender has the option of enabling any amount of device(s) they chose to].

In considering claim 66, Agraharam discloses a system wherein the configuration flags for at least one destination specify that delivery should be attempted multiple times until a delivery confirmation is received (see col. 4, lines 26-28).

In considering claim 84, Nicholls discloses a signal further comprising at least one configuration flag, which specifies at least one email delivery mode (see Fig. 7, 706).

In considering claim 3, official notice is taken regarding the addressing index includes a web site address. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a web site address as a correspondence to a telecommunications phone number. Any type of static address, including an email address, could be used as a viable index. Although Agraharam, Low, and Nicholls never specify using a web address as an addressing index, using one is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 5 and 47, official notice is taken regarding the step of selecting a delivery mode being performed at the direction of a message recipient. It would have been obvious for one of ordinary skill in the art at the time of the invention for the message recipient to select the delivery mode. The option of having the message sender or the message recipient selecting the delivery mode is based upon the designer's choice. Although Agraharam, Low, and Nicholls never specify giving the message recipient the option of selecting the delivery mode, doing so is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claim 6, 8, 9, 10, official notice is taken regarding the telecommunications number used as the destination address is a publicly listed number, the publicly listed number is obtained through directory assistance, the telecommunications number used as the destination address is an unlisted number, the telecommunications number used as the destination address includes a toll-free number, and the telecommunications number used as the destination address includes a 900 toll number. It would have been obvious for one of ordinary skill in the art at the time of the invention to provide the above methods to obtain and use various telecommunications

number. The type of telecommunications number used, as well as how to obtain a telecommunications number, have been in use for a long time. Although Agraaharam, Low, and Nicholls never specify the telecommunications number used as the destination address is a publicly listed number, the publicly listed number is obtained through directory assistance, the telecommunications number used as the destination address is an unlisted number, the telecommunications number used as the destination address includes a toll-free number, or the telecommunications number used as the destination address includes a 900 toll number, these are obvious modifications to the methods and systems disclosed by Agraaharam, Low, and Nicholls

In considering claims 11, 12, and 13, official notice is taken regarding an origin address including an origin telecommunications number, responding to the email message using the origin address as the new destination address, and the origin telecommunications number used in place of a conventional alphanumeric origin address domain name. It would have been obvious for one of ordinary skill in the art at the time of the invention to have the origin address being used as the destination address, as well as including a telecommunications number in the origin address domain address. The concept of using a telecommunications number as the address domain name has already been established, so applying that to the origin address is no different than applying it to the destination address. Although Agraaharam, Low, and Nicholls never specify an origin address including an origin telecommunications number, responding to the email message using the origin address as the new destination address, or the origin telecommunications number used in place of a conventional alphanumeric origin address domain name, doing so is an obvious modification to the methods and systems disclosed by Agraaharam, Low, and Nicholls

In considering claims 20, 21, and 22, official notice is taken regarding an email message whose message content is located at least in part in text in a subject field, an email message whose message content is located at least in part in text in a message field, and an email message whose message content is located at least in part in text in an attached file. It would have been obvious for one of ordinary skill in the art at the time of the invention to have message content located, as text, in a subject field, message field, and attached file. Text message content has been provided in the subject field, message field, and attached file for quite a while. Although Agraharam, Low, and Nicholls never specify an email message whose message content is located at least in part in text in a subject field, an email message whose message content is located at least in part in text in a message field, and an email message whose message content is located at least in part in text in an attached file, doing one is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claim 24, official notice is taken regarding a delivery email address that includes an alphanumeric user name and an alphanumeric domain name. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize an email address comprising both an alphanumeric user name and domain name. Such a format has been in wide use for a while. Although Agraharam, Low, and Nicholls never specify a delivery email address that includes an alphanumeric user name and an alphanumeric domain name, using such a format is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 26 and 28, official notice is taken regarding obtaining a delivery addressing index using a database maintained on a client machine on which the email message

was composed, as well as using a database maintained on "an email server machine. It would have been obvious for one of ordinary skill in the art at the time of the invention to obtain a delivery addressing index using a database maintained on a client machine on which the email message was composed, as well as using a database maintained on "an email server machine. Agraham even discloses the option of having the database located elsewhere over the Internet (see col. 4, lines 1-2). Although Agraham, Low, and Nicholls never specify obtaining a delivery addressing index using a database maintained on a client machine on which the email message was composed, as well as using a database maintained on "an email server machine, doing so is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claim 29, official notice is taken regarding the email server machine utilizes Simple Mail Transfer Protocol. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize Simple Mail Transfer Protocol, as SMTP has widely been in use for sending messages from one computer to another on a network. Although Agraham, Low, and Nicholls never specify an email server machine utilizes Simple Mail Transfer Protocol, using it is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claims 35, 36, 39, and 40, official notice is taken regarding delivering the synthesized speech to a voicemail box recipient and delivering the synthesized speech to a live recipient. It would have been obvious for one of ordinary skill in the art at the time of the invention to deliver synthesized speech to a voicemail box, as well as a live recipient. Both receiving methods for been in use for a while as a means for receiving any type of speech,

including synthesized. Although Agraham, Low, and Nicholls never specify delivering the synthesized speech to a voicemail box recipient and delivering the synthesized speech to a live recipient, doing so is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claims 42 and 43, official notice is taken regarding the telecommunications number being subject to call forwarding to a second telecommunications number, and the advancing step comprising delivering the email message content to a recipient at the second telecommunications number. It would have been obvious for one of ordinary skill in the art at the time of the invention to use call forwarding to deliver the message to another telecommunications number. Call forwarding has been in use for a while. Both receiving methods for been in use for a while as a means for receiving any type of speech, including synthesized. Although Agraham, Low, and Nicholls never specify the telecommunications number being subject to call forwarding to a second telecommunications number, and the advancing step comprising delivering the email message content to a recipient at the second telecommunications number, doing so is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claims 52 and 53, official notice is taken regarding the email receiver comprising a client email program running on a client machine, as well as the email receiver comprising a groupware program running on a client machine. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize a client email program and a groupware program for providing both individual and collaborative communications via email. Although Agraham, Low, and Nicholls never specify the email receiver comprising a client

email program running on a client machine, as well as the email receiver comprising a groupware program running on a client machine, using such formats are obvious modifications to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claim 55, official notice is taken regarding the system including a database interface for placing telecommunications numbers and delivery addressing indexes in the database to create correspondences between them. It would have been obvious for one of ordinary skill in the art at the time of the invention to create a correspondence between the telecommunications numbers and the delivery addressing indexes in order to create a back-up copy. Although Agraham, Low, and Nicholls never specify the system including a database interface for placing telecommunications numbers and delivery addressing indexes in the database to create correspondences between them, doing so is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claims 56, 57, 58, and 76, official notice is taken regarding the database interface authenticating telecommunications numbers before placing their in the database, the database interface authenticating telecommunications numbers using automatic number identification, and the database interface authenticates telecommunications numbers using a digital signature. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize an automatic number identification and digital signature for performing authentication in order to provide secure access, as both of the methods have been in use for a while. Although Agraham, Low, and Nicholls never specify the database interface authenticating telecommunications numbers before placing their in the database, the database interface authenticating telecommunications numbers using automatic number identification, and

the database interface authenticates telecommunications numbers using a digital signature, using such means is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claim 59, official notice is taken regarding the database is maintained by a regional Bell operating company. It would have been obvious for one of ordinary skill in the art at the time of the invention to employ a regional Bell operating company for maintaining a database, as such companies have already managed many databases. Although Agraharam, Low, and Nicholls never specify that a regional Bell operating company maintain the database, using such a company is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 60 and 61, official notice is taken regarding the database including an X.500 database, and the database including an X.509 database. It would have been obvious for one of ordinary skill in the art at the time of the invention to use such databases, as both have been in use for a while. Although Agraharam, Low, and Nicholls never specify the database including an X.500 database, and the database including an X.509 database, using such databases are obvious modifications to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 68 and 69, official notice is taken regarding the deliverer comprises computer implemented natural language translation, and the deliverer delivers a natural language translation prepared by a person. It would have been obvious for one of ordinary skill in the art at the time of the invention to employ both methods for performing natural language translation, as person and computer implemented translations have been used for a while. Although

Agraharam, Low, and Nicholls never specify the deliverer comprises computer implemented natural language translation, and the deliverer delivers a natural language translation prepared by a person, using such translations are obvious modifications to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 71 and 72, official notice is taken regarding the email sender comprises a messaging service in a telecommunications system, as well as the messaging service is accessed by message originators through a toll-free telephone number. It would have been obvious for one of ordinary skill in the art at the time of the invention to set up and use such a messaging service, as they have been in use for a while in devices such as answering and voice mail machines. Although Agraharam, Low, and Nicholls never specify the email sender comprises a messaging service in a telecommunications system, as well as the messaging service is accessed by message originators through a toll-free telephone number, using such a service is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claims 73, 74, and 87, official notice is taken regarding the deliverer comprises a speech-to-text generator which converts speech into written message content, and the deliverer performs video streaming to deliver message content. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a speech-to-text generator, as well as streaming video content. Both practices have been widely in use for a while. Although Agraharam, Low, and Nicholls never specify the deliverer comprises a speech-to-text generator which converts speech into written message content, and the deliverer performs video streaming to deliver message content, doing so is an obvious modification to the methods and systems disclosed by Agraharam, Low, and Nicholls

In considering claim 75, official notice is taken regarding more than one entity having a delivery email address that corresponds to the telecommunications number in the destination address and the address matcher attempts to obtain a delivery email address for an entity that is geographically nearest an originator of the email message. It would have been obvious for one of ordinary skill in the art at the time of the invention to geographically determine a destination as a way to resolve conflicting destinations. Such a geographic determination has been used in location services as a second parameter for determining conflicting contact information (e.g. 411). Although Agraaharam, Low, and Nicholls never specify more than one entity having a delivery email address that corresponds to the telecommunications number in the destination address and the address matcher attempts to obtain a delivery email address for an entity that is geographically nearest an originator of the email message, doing so is an obvious modification to the methods and systems disclosed by Agraaharam, Low, and Nicholls

In considering claim 77, official notice is taken regarding the mode selector comprising a visual interface. It would have been obvious for one of ordinary skill in the art at the time of the invention to employ such a visual interface for selecting the deliver mode, as such interfaces are widely in use by many e-mail applications (e.g. Inbox, AOL). Although Agraaharam, Low, and Nicholls never specify the mode selector comprising a visual interface, using such an interface is an obvious modification to the methods and systems disclosed by Agraaharam, Low, and Nicholls

In considering claim 83, official notice is taken regarding the email message further comprising an origin telecommunications number used as an email origin address. It would have been obvious for one of ordinary skill in the art at the time of the invention to have an origin telecommunications number, as well as a destination telecommunications number disclosed

above, as an email address. Using such an origin number has no effect on the delivery of the message disclosed above. Although Agraham, Low, and Nicholls never specify the email message further comprising an origin telecommunications number used as an email origin address, using such a number is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

In considering claims 85 and 86, official notice is taken regarding at least one configuration flag, which specifies a staggered delivery mode, and at least one configuration flag, which specifies a wireless delivery mode. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a configuration flag for specifying the different delivery modes, as configuration flags have been in use for a while. Although Agraham, Low, and Nicholls never specify at least one configuration flag which specifies a staggered delivery mode, and at least one configuration flag which specifies a wireless delivery mode, doing so is an obvious modification to the methods and systems disclosed by Agraham, Low, and Nicholls

Response to Arguments

6. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Applicant contends that the Office Action fails to provide evidence of a

motivation or suggestion to justify combining the three cited patents (Agraharam, Low, Nicholls). Examiner disagrees. Examiner maintains that the Office Action provides sufficient evidence in the prior art and motivation that supports the combinations relied on to reject the claims.

7. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. This case the Applicant has not provided any factual arguments with regard to the claims or the prior art.

8. In response to the Applicant's "challenge" of the official notice in regard to each of the following claims 3, 5, 13, 42, 43, 47, 56, 57, 58, 75, 76; the MPEP states the following: To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard*, 139 f.2d at 713, 60 USPQ at 241. The applicant is charged with rebutting the well-known statements made by the examiner, but has failed to do so in the response. Merely requesting documentary evidence does not constitute an adequate traversal. Because the applicant has not adequately traversed examiner's assertion official notice, the well known in the art statements are taken to be admitted prior art.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kimberly D Flynn
Examiner
Art Unit 2153

KF
December 5, 2003



GLETON B. BURGESS
SUPERVISORY PATENT EXAMINER
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